

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

REBECCA JOHNSON,

Case # 0071012137

Charging Party,

ORDER

-v-

MONTANA DEPARTMENT OF
TRANSPORTATION,

Respondent.

Rebecca Johnson (Johnson) filed a complaint with the Department of Labor and Industry (Department) alleging that Montana Department of Transportation (DOT) discriminated against her on the basis of age. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Johnson's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Johnson filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 25, 2007.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Chap. 28, L. 2007, New Section 6(2)*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

A party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Chap. 28, L. 2007, New Section 6(3); Mont. Code Ann. § 2-4-702*.

Alternatively, if a charging party chooses to commence a civil action, charging party has 90 days after the receipt of this order to petition a district court, in the district where the alleged violation occurred, for the appropriate relief. *Chap. 28, L. 2007, New*

Section 6(3). If a charging party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Rebecca Johnson's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against DOT.

DATED this ____ day of August, 2007.

Chair Ryan Rusche
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this _____ day of August, 2007.

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